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On January 13, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: JoAnn Evangelista  
JoAnn Evangelista

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MILLER, ROSS

Application No.: 09/751,577

Filed: December 29, 2000

For: METHODS AND SYSTEMS FOR  
TREATING TEETH

Examiner: JOHN J. WILSON

**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3732**

**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE –  
EXAMINING GROUP 3732**

**PATENT**  
Attorney Docket No.: 018563-002700US  
Client Ref. No.: AT-00092

*T.H.*  
*1-27-03*  
*#9/Keg*  
*Rec*  
TECHNOLOGY CENTER R&D 700  
JAN 24 2003

**Box AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Office Action mailed August 20, 2002 rejected claims 1-5 under 35 U.S.C. Section 103(a) as being unpatentable over Andrews (4,591,341) in view of Bergersen (3,950,851), Kurz (4,348,178) and Andreiko et al. (5,454,717). The Office Action asserts that Andrews teaches bracket and wire system followed in series by using a mouthpiece, albeit not a mouthpiece made from a polymeric shell. To cure this deficiency, the Action relies on Bergersen which teaches forming mouthpieces as polymer shells. The Office Action further asserts that Kurz teaches using successive shells including intermediate appliances. The Office Action further notes that while the combination does not show digitally generating the appliances, Andreiko teaches digitally forming "appliances". Therefore, it would be obvious to